

REMARKS

Claim Status

Claims 5-7, 9-11, 13 and 18-20 are pending in the present application.

Rejection Under 35 U.S.C. §103(a) Over U.S. Pat. No. 2007/0083182 (Schoelling) in
view of *Smallfolk.com*

Claims 5-7, 9-11, 13 and 18-20 have been rejected under 35 U.S.C. §103(a) as being obvious view of Schoelling and smallfolk.com. In the Office Action on page 3 it is alleged that Schoelling discloses “[I]ndividual depressions (140) having a tear shape (see cross section of fig. 3 [2] infra (shown below), which shows a tear-shaped depression when the tampon is viewed head on from the insertion end),....”

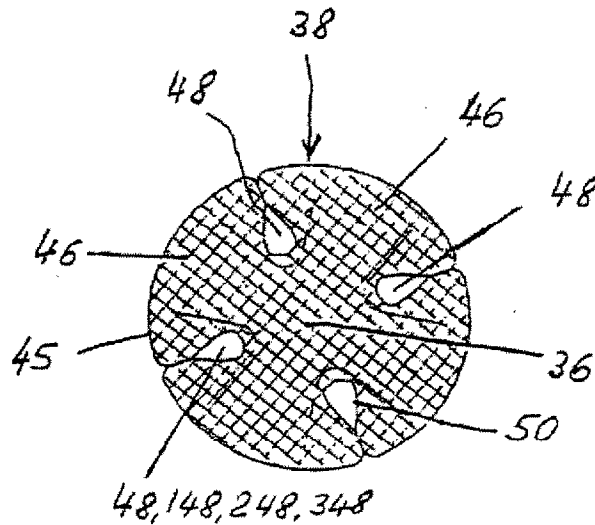


Fig.3

Applicant respectfully traverses the rejection. Fig. 3 of Schoelling (shown above) shows a cross section of the tampon in FIGS. 1 (shown below), 9, and 10 according to

sectional line III-III with four longitudinal grooves which are closed on the outside and form collecting channels in the region of the security zone. (par. [0032]).

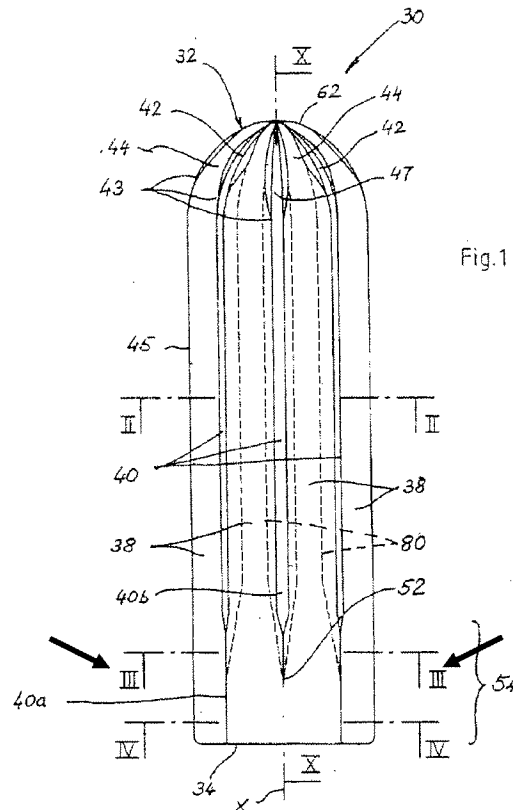


Fig. 1

In contrast to the cross-sectional tear shapes of Schoelling, claim 13 of the present application claims a tampon comprising an outer surface, wherein a measured portion of said outer surface comprises a first surface area, wherein at least a portion of said first surface area comprises discretely spaced individual depressions having at least one shape, wherein said at least one shape is selected from the group consisting of ovals, circles, cones, squares, alphanumeric, animal shapes, trademarks, logos, foreign languages, kanji, ASCII, and mixtures thereof. As claimed in claim 13 and shown in Fig. 3 (below) the depressions 38 are disposed on the outer surface of the tampon, as compared to the cross-sectional tear shape of the grooves in Schoelling.

Accordingly, Applicant submits that claims 5-7, 9-11, 13, and 18-20 are not obvious in view of Schoelling and smallfolk.com.

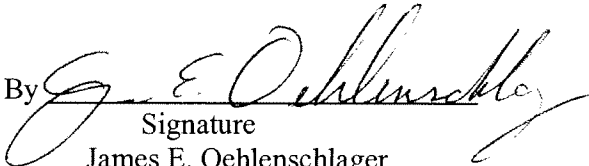
Appl. No. 10/719,786
Docket No. 9431
Amdt. dated 16 September 2008
Reply to Office Action mailed on June 11, 2008
Customer No. 27752

Conclusion

This response represents an earnest effort to place the present application in proper form and to distinguish the invention as claimed from the applied references. In view of the foregoing, reconsideration of this application, and allowance of the pending claims are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By 
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Date: 16 September 2008
Customer No. 27752